

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

KENNETH PETERSON and RICHARD
KIMBLE,

Plaintiffs,

v.

AGRI STATS, INC., JBS USA FOOD
COMPANY HOLDINGS, TYSON
FOODS, INC., CARGILL, INC., and
NATIONAL BEEF PACKING
COMPANY,

Defendants.

Case No. 19-cv-1129-JRT-HB

AMENDED STIPULATION
REGRADING CASE
DEADLINES

Several cases have been filed alleging that defendants engaged in a conspiracy to fix, raise, maintain, and stabilize the price of certain beef products. Four such cases are currently pending before this Court as related cases: *Peterson, et al. v. Agri Stats, Inc., et al.*, No. 19-cv-1129 (D. Minn.), *Ranchers Cattlemen Action Legal Fund United Stockgrowers of Am., et al. v. Tyson Foods, Inc., et al.*, No. 19-cv-1222 (D. Minn.), *Sevy v. Tyson Foods, Inc., et al.*, No. 19-cv-1243 (D. Minn.) and *Wright v. Tyson Foods, Inc. et al.*, No. 0:19-cv-01350 (D. Minn). A fifth case has been filed in the Western District of Missouri, *Graham v. Tyson Foods, Inc., et al.*, No. 19-cv-368-SRB (W.D. Mo.). (Collectively, the “Cases.”)

The parties believe that it would serve judicial economy to wait for a short period of time to determine whether additional cases will be filed and then assess how the Cases should be managed.

Therefore, the parties, by and through their undersigned counsel, stipulate to the following:

1. On or before June 21, 2019, the parties will discuss how the Cases should be managed and whether some or all of them should be consolidated for any purpose and attempt to reach a mutually satisfactory proposal to present to the Court;
2. On or before June 28, 2019, the parties will file a joint status report setting forth their respective views on preliminary case management issues for the Cases and setting forth a proposed schedule for any motions under Federal Rule of Civil Procedure 42 or 28 U.S.C. § 1404 or § 1407, as well as the filing of amended or consolidated complaints (if any), and any response to the complaints;
3. The parties agree that Defendants' response to any complaint will in no case be due prior to 45 days after the Court's entry of an order in response to the joint status report and 45 days after the filing of an amended complaint (if any). Any responsive brief would be due no earlier than 28 days thereafter and any reply 21 days later; and
4. The parties stipulate and agree that entering into this Amended Stipulation shall not constitute a waiver of (a) any jurisdictional defenses that may be available; (b) any affirmative defenses under Rule 8 of the Federal Rules of Civil Procedure, any defense listed in Rule 12(b) of the Federal Rules of Civil Procedure, or otherwise; or (c) any other statutory or common law defenses that may be available to Defendants. Defendants expressly reserve their rights to raise any such defenses and any other defense.

A proposed order is being submitted to the Court herewith.

IT IS SO STIPULATED.

Dated: June 7, 2019

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